

**PROTOCOL
TO THE
AGREEMENT ESTABLISHING THE
CARIBBEAN COURT OF JUSTICE
RELATING TO THE
TENURE OF OFFICE OF JUDGES OF
THE COURT**

PROTOCOL TO THE AGREEMENT ESTABLISHING THE CARIBBEAN
COURT OF JUSTICE RELATING TO THE TENURE OF OFFICE OF
JUDGES OF THE COURT

THE CONTRACTING PARTIES,

NOTING that the Agreement establishing the Caribbean Court of Justice (hereinafter referred to as "the Agreement") entered into force on 23 July 2002 and that the Court was inaugurated on 16 April 2005;

BEARING IN MIND that Article IV of the Agreement provides that the Judges of the Court shall be the President and not more than nine other Judges of whom at least three shall possess expertise in international law including international trade law;

TAKING INTO ACCOUNT that the current composition of the Court is the President and six other Judges and that Article IX of the Agreement provides that a Judge of the Court shall hold office until he attains the age of seventy-two years;

COGNIZANT that the Court is integral to the deepening of the regional integration process and will play a critical role in the organization of the CARICOM Single Market and Economy;

COGNIZANT ALSO that the current composition of the Court underscores the special need for the relevant institutional capacity to be maintained, especially during its evolutionary phase, that is, until the Court is constituted in accordance with paragraph 1 of Article IV of the Agreement,

HEREBY AGREE AS FOLLOWS:

ARTICLE I
INTERPRETATION AND CONSTRUCTION

The provisions of this Protocol shall be read and construed as one with the Agreement.

ARTICLE II
SPECIAL PROVISION
RELATING TO TENURE OF JUDGES

1. Notwithstanding paragraphs 2 and 3 of Article IX of the Agreement, the Commission may, if it appears to the Commission at any time during the evolutionary phase of the Court that special circumstances so require, extend the tenure in office of a Judge of the Court by a period,

- (a) in the case of the President, that is not beyond the date on which he attains the age of seventy-five years or the date on which he completes seven years in office, whichever of those events first occurs;
- (b) in the case of any other Judge of the Court, that is not beyond the date on which he attains the age of seventy-five years.

Where the Commission is considering an extension of the tenure of the President under this Article, the Chairman of the Commission shall take no part in any deliberations or decision of the Commission relating to the matter.

2. The provisions of paragraphs 2 and 3 of Article IX of the Agreement relating to the continuance in office of the President or any other Judge for the purpose of delivering judgment or dealing with part heard proceedings, shall apply at the end of any extension of tenure granted to the President or a Judge pursuant to paragraph 1 hereof.

3. Save as otherwise provided in this Protocol, the provisions of the Agreement and any Protocol thereto shall apply to the President or any other Judge holding office pursuant to this Protocol.

4. For the purposes of paragraph 1, "the evolutionary phase of the Court" means the period ending with the appointment of the maximum number of Judges as provided for in paragraph 1 of Article IV of the Agreement.

ARTICLE III
SIGNATURE

This Protocol shall be open for signature by the Contracting Parties.

ARTICLE IV
RATIFICATION

This Protocol shall be subject to ratification by the Contracting Parties in accordance with their respective constitutional procedures.

ARTICLE V
PROVISIONAL APPLICATION


This Protocol shall be provisionally applied upon signature by all the Contracting Parties.

ARTICLE VI
ENTRY INTO FORCE


This Protocol shall enter in force one month after the date of deposit of the last instrument of ratification by the Contracting Parties.


IN WITNESS WHEREOF the undersigned duly authorized in that behalf by their respective Governments have executed this Protocol.


Signed by



For the Government of Antigua and Barbuda on the 26th day of May
Kingstown, St. Vincent & Grenadines
2007 at


Signed by



For the Government of Barbados on the 3rd day of June,
2007 at Bridgetown, Barbados


Signed by 
For the Government of Belize on the 7th day of June
2007 at Belize City, Belize

Signed by 
For the Government of the Commonwealth of Dominica on the 5th
day of June 2007 at Roseau, Dominica

Signed by 
For the Government of Grenada on the 4 day of JUNE
2007 at ST. GEORGE, GRENADA

Signed by 
For the Government of the Co-operative Republic of Guyana on the 2nd
day of June, 2007 at PORT OF SPAIN, TRINIDAD AND TOBAGO

Signed by 
For the Government of Jamaica on the 6th day of June 2007
at Kingston, Jamaica

Signed by 
For the Government of St. Kitts and Nevis on the 26th day of MAY
2007 at KINGSTOWN, ST. VINCENT & GRENADINES

